



General Assembly

Substitute Bill No. 563

February Session, 2002

AN ACT CONCERNING LAND AND OPEN SPACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 12-504a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (a) Any land which has been classified by the record owner thereof
5 as open space land pursuant to section 12-107e, as amended, if sold by
6 him within a period of ten years from the time he first caused such
7 land to be so classified, shall be subject to a conveyance tax applicable
8 to the total sales price of such land, which tax shall be in addition to
9 the tax imposed under sections 12-494 to 12-504, inclusive. Said
10 conveyance tax shall be at the following rate: (1) Ten per cent of said
11 total sales price if sold within the first year following the date of such
12 classification; (2) nine per cent if sold within the second year following
13 the date of such classification; (3) eight per cent if sold within the third
14 year following the date of such classification; (4) seven per cent if sold
15 within the fourth year following the date of such classification; (5) six
16 per cent if sold within the fifth year following the date of such
17 classification; (6) five per cent if sold within the sixth year following
18 the date of such classification; (7) four per cent if sold within the
19 seventh year following the date of such classification; (8) three per cent
20 if sold within the eighth year following the date of such classification;
21 (9) two per cent if sold within the ninth year following the date of such

22 classification; and (10) one per cent if sold within the tenth year
23 following the date of such classification. No conveyance tax shall be
24 imposed on such record owner by the provisions of sections 12-504a to
25 12-504f, inclusive, as amended, following the end of the tenth year
26 after the date of such classification by such record owner. No
27 conveyance tax shall be imposed on such record owner by the
28 provisions of sections 12-504a to 12-504f, inclusive, as amended by this
29 act, upon the sale of such property to the municipality pursuant to the
30 provisions of section 12-107e, as amended. Notwithstanding any other
31 provision of the general statutes, any moneys collected by a
32 municipality pursuant to this subsection shall be used for the purchase
33 of open space within such municipality.

34 Sec. 2. Section 7-131b of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2002*):

36 (a) Any municipality may, by vote of its legislative body, by
37 purchase, condemnation, gift, devise, lease or otherwise, acquire any
38 land in any area designated as an area of open space land on any plan
39 of development of a municipality adopted by its planning commission
40 or any easements, interest or rights therein and enter into covenants
41 and agreements with owners of such open space land or interests
42 therein to maintain, improve, protect, limit the future use of or
43 otherwise conserve such open space land.

44 (b) Any owner who encumbers his property by conveying a less
45 than fee interest to any municipality under subsection (a) of this
46 section or to a nonprofit land conservation organization shall, upon
47 written application to the assessor or board of assessors of the
48 municipality in which the property is located, be entitled to a
49 revaluation of such property to reflect the existence of such
50 encumbrance, effective with respect to the next-succeeding assessment
51 list of such municipality. Any such owner shall be entitled to such
52 revaluation, notwithstanding the fact that he conveyed such less than
53 fee interest prior to October 1, 1971, provided no such revaluation shall
54 be effective retroactively.

55 (c) Any owner aggrieved by a revaluation under subsection (b) of
56 this section may appeal to the board of assessment appeals in
57 accordance with the provisions of sections 12-111, as amended, and 12-
58 112 and may appeal from the decision of the board of assessment
59 appeals in accordance with the provisions of section 12-117a.

60 Sec. 3. Subsection (b) of section 7-131g of the general statutes, as
61 amended by section 9 of public act 01-204 and section 73 of public act
62 01-9 of the June special session, is repealed and the following is
63 substituted in lieu thereof (*Effective October 1, 2002*):

64 (b) The Commissioner of Environmental Protection may make
65 grants under the open space and watershed land acquisition program
66 to: (1) Municipalities for acquisition of land for open space under
67 subdivisions (1) to (6), inclusive, of subsection (b) of section 7-131d, as
68 amended, in an amount not to exceed fifty per cent of the fair market
69 value of a parcel of land or interest in land proposed to be acquired; (2)
70 municipalities for acquisition of land for class I and class II water
71 supply protection under subdivision (5) of subsection (b) of said
72 section 7-131d, in an amount not to exceed [sixty-five] fifty per cent of
73 such value; (3) nonprofit land conservation organizations for
74 acquisition of land for open space or watershed protection under
75 subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-
76 131d, in an amount not to exceed fifty per cent of such value; (4) water
77 companies for acquisition of land under subdivision (7) of subsection
78 (b) of said section 7-131d, in an amount not to exceed [forty] fifty per
79 cent of such value provided if such a company proposes in a grant
80 application that it intends to allow access to such land for recreational
81 uses, such company shall seek approval of the Commissioner of Public
82 Health for such access; and (5) distressed municipalities or targeted
83 investment communities, as defined in section 32-9p, as amended, or,
84 with the approval of the chief elected official or governing legislative
85 body of such a municipality or community, to a nonprofit land
86 conservation organization, for acquisition of land within that
87 municipality or community, for open space under subdivisions (1) to
88 (6), inclusive, of subsection (b) of said section 7-131d, in an amount not

89 to exceed sixty-five per cent of such value or for performance of work
90 in the restoration, enhancement or protection of resources in an
91 amount not to exceed fifty per cent of the cost of such work.
92 Applicants for grants under the program shall provide a copy of the
93 application to the chairperson of the review board established under
94 section 7-131e, as amended. The board shall provide comments to the
95 commissioner on pending applications as it deems necessary.

96 Sec. 4. Section 12-504c of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2002*):

98 The provisions of section 12-504a, as amended by this act, shall not
99 be applicable to the following: (a) Transfers of land resulting from
100 eminent domain proceedings; (b) mortgage deeds; (c) deeds to or by
101 the United States of America, state of Connecticut or any political
102 subdivision or agency thereof; (d) strawman deeds and deeds which
103 correct, modify, supplement or confirm a deed previously recorded; (e)
104 deeds between husband and wife and parent and child when no
105 consideration is received, except that a subsequent nonexempt transfer
106 by the grantee in such cases shall be subject to the provisions of section
107 12-504a, as amended by this act, as it would be if the grantor were
108 making such nonexempt transfer; (f) tax deeds; (g) deeds releasing any
109 property which is a security for a debt or other obligation; (h) deeds of
110 partition; (i) deeds made pursuant to a merger of a corporation; (j)
111 deeds made by a subsidiary corporation to its parent corporation for
112 no consideration other than the cancellation or surrender of the capital
113 stock of such subsidiary; (k) property transferred as a result of death
114 by devise or otherwise and in such transfer the date of acquisition or
115 classification of the land for purposes of sections 12-504a to 12-504f,
116 inclusive, as amended by this act, whichever is earlier, shall be the date
117 of acquisition or classification by the decedent; (l) deeds to any
118 corporation, trust or other entity, of land to be held in perpetuity for
119 educational, scientific, aesthetic or other equivalent passive uses,
120 provided such corporation, trust or other entity has received a
121 determination from the Internal Revenue Service that contributions to
122 it are deductible under applicable sections of the Internal Revenue

123 Code; (m) land subject to a covenant specifically set forth in the deed
124 transferring title to such land, which covenant is enforceable by the
125 town in which such land is located or by a nonprofit land conservation
126 organization, to refrain from selling or developing such land in a
127 manner inconsistent with its classification as farm land pursuant to
128 section 12-107c, as amended, forest land pursuant to section 12-107d,
129 as amended, or open space land pursuant to section 12-107e, as
130 amended, for a period of not less than eight years from the date of
131 transfer, if such covenant is violated the conveyance tax set forth in
132 this chapter shall be applicable at the rate which would have been
133 applicable at the date the deed containing the covenant was delivered
134 and, in addition, the town or any taxpayer therein may commence an
135 action to enforce such covenant; and (n) land the development rights to
136 which have been sold to the state under chapter 422a. If such action is
137 taken by such a taxpayer, the town shall be served as a necessary
138 party.

139 Sec. 5. Subsection (a) of section 23-75 of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2002*):

142 (a) The Commissioner of Environmental Protection shall acquire
143 land by purchase, gift or devise for the purposes set forth in section 23-
144 74. The title to any land acquired pursuant to sections 23-73 to 23-79,
145 inclusive, shall be vested in the state. In determining whether sites
146 shall be acquired, the department shall consider whether the site is: (1)
147 Identified as having high priority recreation, forestry, fishery, wildlife
148 or conservation value, including, but not limited to, the conservation of
149 grasslands and as being consistent with the state comprehensive plan
150 for outdoor recreation and the state plan of conservation and
151 development; (2) a prime natural feature of the Connecticut landscape,
152 such as a major river, its tributaries and watershed, mountainous
153 territory, an inland or coastal wetland, a significant littoral or estuarine
154 or aquatic site or any other important geologic feature; (3) habitat for
155 native plant or animal species listed as threatened or endangered or of
156 special concern in the data base or pursuant to the program established

157 under section 26-305, particularly areas identified as essential habitat
 158 for such species; (4) a relatively undisturbed outstanding example of a
 159 native ecological community which is now uncommon; or (5)
 160 threatened with conversion to incompatible uses or contains sacred
 161 sites or archaeological sites of state or national importance. In
 162 acquiring a site that has been identified as having a high priority
 163 recreation value, the department shall give priority to sites near
 164 population centers.

165 Sec. 6. Subsection (f) of section 25-32 of the general statutes is
 166 repealed and the following is substituted in lieu thereof (*Effective July*
 167 *1, 2002*):

168 (f) Nothing in this section shall prevent the lease or change in use of
 169 water company land to allow for recreational purposes that do not
 170 require intense development or improvements for water supply
 171 purposes, for leases of existing structures, or for radio towers or
 172 telecommunications antennas on existing structures. For purposes of
 173 this subsection, intense development includes golf courses, driving
 174 ranges, tennis courts, ballfields, swimming pools and uses by
 175 motorized vehicles, provided trails or pathways for pedestrians,
 176 motorized wheelchairs or nonmotorized vehicles shall not be
 177 considered intense development. In executing a lease of an existing
 178 structure in accordance with this subsection, a water company may
 179 grant an easement, a declaration of covenant or a declaration of
 180 preservation restriction to the state, through the Connecticut Historical
 181 Commission or any state agency, to effect a preservation restriction, as
 182 defined in section 47-42a, that is required as a condition to granting the
 183 lessee a grant-in-aid pursuant to section 10-320d or similar subsequent
 184 grant-in-aid program. A water company may grant the state a lien on
 185 such leased structures to secure repayment of any grant-in-aid upon
 186 the failure by the lessee to fulfill the terms of the grant.

This act shall take effect as follows:	
Section 1	October 1, 2002

Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>

FIN *Joint Favorable Subst.*

PD *Joint Favorable*